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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 11 AM 10:26

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hector Lopez GOMEZ,

Defendant(s)

Magistrate Case No.

'08 MJ 2476

COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)  
Transportation of Illegal  
Aliens

The undersigned complainant, being duly sworn, states:

On or about **August 8, 2008**, within the Southern District of California, defendant **Hector Lopez GOMEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Ignacio MACIAS-Martinez**, **Victor BAUTISTA-Alcanjas**, and **Maria Antonia PRECIADO-Hernandez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Terri L. Dimolios  
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11<sup>th</sup> DAY OF AUGUST 2008


Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

QPR  
2/8/08  
VNR

## CONTINUATION OF COMPLAINT:

**Hector Lopez GOMEZ****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Ignacio MACIAS-Martinez, Victor BAUTISTA-Alcanjas, and Maria Antonia PRECIADO-Hernandez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 8, 2008, Border Patrol Agents Watrous, Daniels, and Macias were performing their assigned duties in the Pine Valley Border Patrol Station area of operations in an unmarked Service vehicle. While traveling on Tierra Del Sol Road in Boulevard, California, Agent Macias observed a black Dodge Ram backed into some brush on the side of the road. This area is located approximately 20 miles east of the Tecate, California Port of Entry and five miles north of the United States/Mexico International Boundary.

A few minutes later, at approximately 2:00 p.m., Agent Watrous and the other agents returned to the area and observed the same black Dodge Ram traveling north on Tierra Del Sol Road. Agent Watrous observed that the truck was riding very low and that something, appearing to be an elbow, was sticking up out of the bed of the truck. Record checks on the vehicle revealed it was registered to a rental company out of Carson City, Nevada. Based upon this information and her observations, Agent Watrous requested a marked Service unit to assist her and the other agents in attempting a vehicle stop. Border Patrol Agent Trujillo responded to the call, got behind the truck in his marked Service unit, activated his emergency lights and sirens, and advised dispatch of his attempted vehicle stop. At approximately 2:05 p.m., the truck yielded on Tierra Del Sol Road between Old Highway 80 and State Highway 94.

As Agent Watrous approached the truck, she observed thirteen individuals lying in the bed of the truck and inside the truck cab. Agent Daniels approached the driver side of the vehicle, identified himself as a Border Patrol Agent, and ordered the driver, later identified as the defendant, **Hector Lopez GOMEZ**, out of the vehicle. Agent Watrous identified herself as a Border Patrol Agent, ordered the other thirteen individuals out of the truck, and questioned them regarding their citizenship, nationality and immigration documentation. All thirteen individuals admitted to having entered the United States without inspection, and that they are citizens and nationals of Mexico. They also stated that they were not in possession of immigration documents that would allow them to enter or remain in the United States legally. **GOMEZ** stated that he is a United States citizen. At approximately 2:10 p.m., Agent Watrous arrested **GOMEZ** for alien smuggling and the other thirteen individuals for illegal entry into the United States. All fourteen individuals, including **GOMEZ**, were transported to the Pine Valley Border Patrol Station for processing.

**DEFENDANT STATEMENT (Hector Lopez GOMEZ):**

The defendant was advised of his Miranda Rights and indicated that he understood his rights and did not ask for an attorney before providing the Agents with a statement.

**GOMEZ** stated that is a citizen of the United States and was born in California. Relating to the smuggling events on August 8, 2008, **GOMEZ** stated that a subject known as Angel, who lives in Mexico, called him and asked him to pick up a group of illegal aliens in the Boulevard, California area. **GOMEZ** stated that he met Angel at a Jack-in-the-Box in San Ysidro, California and was given the black Dodge Ram truck in the morning on August 8, 2008. **GOMEZ** stated that Angel also provided **GOMEZ** with directions to the pick up area of the undocumented aliens. **GOMEZ** stated that he was to drive the load vehicle to Boulevard, California and wait for Angel to call him on the phone. **GOMEZ** stated that

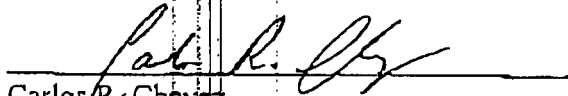
CONTINUATION OF COMPLAINT:  
Hector Lopez GOMEZ

he received the call from Angel at approximately 12:15 P.M., and was told to go to the location on Tierra Del Sol Road, where there were a lot of tires on the road, and pick up a group of illegal aliens that were lying in the brush. GOMEZ stated that upon arriving at Tierra Del Sol Road in Boulevard, California, the group came out of the brush and jumped into the bed and back seat of the truck. GOMEZ stated that he was instructed that after he picked up the group, he was to drop them off before the Immigration Checkpoint on Interstate 8. GOMEZ stated that shortly after picking up the aliens, Border Patrol Agents pulled him over and arrested him and all the subjects that were in the truck. GOMEZ stated that he knew he was going to be paid for smuggling the aliens, but he did not know exactly how much.

MATERIAL WITNESSES STATEMENTS:

Material witnesses Ignacio MACIAS-Martinez, Victor BAUTISTA-Alcanjas, and Maria Antonia PRECIADO-Hernandez stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Baja California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay \$1,700.00 to \$3,000.00 (USD) to be smuggled into the United States. Material witnesses BAUTISTA and PRECIADO were shown a photographic line up and were able to identify defendant Hector Lopez GOMEZ as the driver of the vehicle.

Executed on August 9, 2008, at 9:00 a.m.

  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 8, 2008, in violation of Title 8, United States Code, Section 1324.

  
Ruben B. Brooks  
United States Magistrate Judge

8/9/2008 at 10:50 a.m.  
Date/Time